

CATEGORICAL EXCLUSION DOCUMENTATION FORMAT FOR ACTIONS OTHER THAN HAZARDOUS FUELS AND FIRE REHABILITATION ACTIONS

Five Star X, LLC.

NEPA Number DOI-BLM-AZ-CO10-2012-0001-CX

A. BACKGROUND

BLM Office: Kingman Field Office

Lease/Serial/Case File No.: AZA 35784 and AZA 35781

Location of Proposed Action:

Gila & Salt River Meridian

(AZA 35784)

T. 22 N., R. 18 W.,

sec. 2, lots 1 through 4, inclusive, S½NE¼,S½NW¼,S½;

sec. 3, lots 1 through 4, inclusive, S½NE¼,S½NW¼,S½;

sec. 11, all;

sec. 14, lots 1,3, N½, E½SW¼, SE¼.

(AZA 35781)

T. 25 N., R. 16 W.,

sec. 2, lots 1 through 4, inclusive, S½NE¼,S½NW¼,S½;

sec. 4, lots 1 through 4, inclusive, S½NE¼,S½NW¼,S½;

T. 26 N., R. 16 W.,

sec. 16,22,26,34, and 36.

Description of Proposed Action:

The proposed action would be to grant two rights-of-ways to Five Star Energy Systems, LLC. One of these would be for a project area right-of-way (ROW) and to retain the interest in the site testing and monitoring that would include a project area consisting of 2,643.29 acres (AZA35784) of public land and would preclude other wind energy testing to be done within this ROW. The ROW would include one site specific location for a meteorological (MET) tower installation to gather wind resource data. The MET tower would be installed in T. 22 N., R.18 W., sec.11 SE¼NW¼SW¼ and would be used to monitor wind speed, wind direction and temperature data. It may also be used for the micro-siting of wind turbines on the potential wind energy project.

The area occupied by the MET tower would be approximately two acres (165 foot radius) . The tower would be gray, galvanized steel tubing, 195 foot in height. the tower would rest on a steel

base plate three feet by three feet (nine square feet) and is supported by 24 aircraft cable guy wires. A guy wire is a tensioned cable used to add stability to a structure. The wires are attached four at each of the six levels of the tower and are attached to the guy anchors. Each of the four anchor points would have disturbance around them approximately 5 ft. in diameter along with a 10 ft. diameter disturbance around the base plate. The furthest anchors would be 164 feet from the tower. There would be approximately 80 ft.² of disturbance from winching operations.

Existing roads would be used to access the area for the MET tower installation. There would be approximately 250 ft. by 10 ft. of vehicular cross country travel to install and decommission the MET tower. Upon completion of both of these actions the cross country route would be reclaimed.

The area within the 2 acres occupied by the MET tower along with the vehicular cross country travel disturbed from activities as described above would aggregate approximately 0.06 acres.

The term of the ROWs requested is 3 years and includes reclamation and rehabilitation measures to restore the land to its original condition.

The second ROW (AZA 35781) would be for a project area ROW to retain the interest in the site testing and monitoring. This would preclude other wind energy testing within the ROW and would be 4483.20 acres. No met tower would be authorized under this ROW.

B. LAND USE PLAN CONFORMANCE

Land Use Plan Name: *Kingman Resource Management Plan/Environmental Impact Statement*

Date Approved/Amended: March 1995

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

LR13a/v: All other minor rights-of-way would be evaluated through the environmental review process and granted on a case by case basis. Existing rights-of-way would be used when possible to minimize surface disturbance.

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):
N/A

C. COMPLIANCE WITH NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 E (19): *Issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.*

D. Consultation and Coordination

October 4, 2011. Project was scoped at the Kingman Field Office Project Coordination Meeting. Concerns identified were cultural and possibly biological.

December 8, 2011. Cultural survey w/Tim Watkins, KFO Archeaeologist of the site of proposed met tower location.

December 9, 2011. Received Biological Evaluation from Rebecca Peck for the site of the proposed met tower location.

December 20, 2011. Advised John Corella of Five Star we had staked access route for cross country travel from two track road to site of MET tower installation.

January 10, 2012. Department of Defense Airspace Consultation Map checked. Area is not within a military sensitive area.

January 24, 2012. Consulted with Andy Rogers with Arizona Game and Fish in Flagstaff, AZ regarding recommendations of bird flight deflectors on the guy wires of the MET tower.

January 25, 2012 Tim Watkins advised that tribal consultation will be required prior to issuance of Notice to Proceed.

E. Approval

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed (see Attachment 1), and none of the extraordinary circumstances described in 516 DM2 apply.

SIGNATURE

Authorizing Official: / s / Ruben A. Sánchez Date: 2/13/2012
(Signature)

Name: Ruben Sánchez
Title: Field Manager

Contact Person

For additional information concerning this categorical exclusion review, contact Melissa Patriquin, Lands and Realty, Kingman F.O. 2755 Mission Blvd, Kingman, AZ 86401, phone (928) 718-3706.

Note: A separate decision document must be prepared for the action covered by the categorical exclusion. See Attachment 2.

Attachment 1: Extraordinary Circumstances Review	Comment (Yes or No with supporting Rationale)
1. Have significant effects on public health or safety.	No. The proposed monitoring stations would have no effects to public health and safety. There are no adverse impacts or significant effects.
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988) national monuments; migratory birds; and other ecologically significant or critical areas.	No. There are no impacts to the natural resources with unique characteristics. No unique natural resources are located within the affected environment so they would not be affected.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	No. The environmental effects would be non-controversial and no conflicts concerning available resources were identified. Similar monitoring devices have been installed with no concerns regarding effects.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	No. The environmental effects of these devices would be limited to the elimination of a few plants and the displacement of any rodents or insects inhabiting those specific locations. These kinds of impacts are quite common, the effects of similar actions, though not necessarily documented, have been observed for hundreds of years.
5. Establishes a precedent for future action or represents a decision in principle about future actions with significant environmental effects.	No. Any future proposals to install similar devices are discretionary on the part of the BLM Authorized Officer and subject to NEPA.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	No. These devices are relatively small and their operation and maintenance would not contribute significantly to the altering of the this area's natural landscape. If this project continues past the testing phase and into the development phase further NEPA analysis will be necessary.
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.	No. This area is not listed or eligible for listing on the National Register of Historic Places. Nor would any such places be affected.
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.	No. There is no T&E species or their habitat in the affected environment.
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	No. The granting of these rights-of-way would not violate any laws or any requirements imposed for the protection of the environment.

Attachment 1 Continued: Extraordinary Circumstances Review	Comment (Yes or No with supporting Rationale)
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	No. The effects of the proposed rights-of-way would effect the public equally.
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).	No. The sites are not known to be sacred, nor would the placement of this monitoring device or its maintenance impact access to any ceremonially used Indian sacred sites on Federal lands.
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).	No. Although non-native plant species may exist in these areas it is not anticipated that the construction, maintenance, operation, or termination of the proposed devices would contribute to the introduction or spread of non-native invasive species noxious weeds because the equipment would be cleaned before and after arriving on site.

ATTACHMENT 2 APPROVAL AND DECISION

Compliance and assignment of responsibility: Lands & Reality, Melissa Patriquin

Monitoring and assignment of responsibility: Lands & Reality, Melissa Patriquin

Review: *We have determined that the proposal is in accordance with the categorical exclusion criteria and that it would not involve any significant environmental effects. Therefore, it is categorically excluded from further environmental review.*

Prepared by:	<u>/ s / Melissa Patriquin</u>	Date:	<u>1/25/2012</u>
	<i>Melissa Patriquin</i> Project Lead		
Reviewed by:	<u>/ s / Ramone B. McCoy</u>	Date:	<u>1/30/2012</u>
	<i>Ramone McCoy</i> NEPA Coordinator		
Reviewed by:	<u>/ s / Ruben A. Sánchez</u>	Date:	<u>2/13/2012</u>
	<i>Ruben Sánchez</i> Supervisor		

Description of the Proposed Action:

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The area occupied by the MET tower would be approximately two acres (165 foot radius) . The tower would be gray, galvanized steel tubing, 195 foot in height. the tower would rest on a steel base plate three feet by three feet (nine square feet) and is supported by 24 aircraft cable guy wires. A guy wire is a tensioned cable used to add stability to a structure. The wires are attached four at each of the six levels of the tower and are attached to the guy anchors. Each of the four anchor points would have disturbance around them approximately 5 ft. in diameter along with a 10 ft. diameter disturbance around the base plate. The furthest anchors would be 164 feet from the tower. There would be approximately 80 ft.² of disturbance from wenching operations.

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Decision: Based on a review of the project described above and field office staff recommendations, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed, with the following stipulations (if applicable).

Approved By: _____ Ruben Sánchez Field Manager	Date: _____
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EXHIBITS

1. See attached rights-of-way grants.

Biological Evaluation
for:
Threatened and Endangered Species, State listed, BLM Sensitive,
Bats & Migratory Birds

KINGMAN FIELD OFFICE – BUREAU OF LAND MANAGEMENT

DATE: 12-0-2011

From: Rebecca Peck, Wildlife Biologist
To: Melissa Patriquin
Project: Five Star – Proposed Met Tower Installation

Location of Proposed Met Tower: T.22 N., R. 18 W., sections 11

Location of lease: T. 22 N., R. 18 W., sections 3,2,11,14
T. 22 N., R. 16 W., sections 2,4
T. 26 N., R. 16 W., sections 16,22,26,34 & 36

Proposal is to install one meteorological tower. The tower is up to 197 feet tall, guyed, and made of galvanized steel tubing. Some habitat areas within 200 feet of the tower would be affected by installation and decommissioning. The construction crew would travel overland or on existing roads. The standard stipulations as were incorporated in the original right-of-way would be included in the amendment as well as others if need be.

Federally Listed and Candidate Species:

- a. The following federally listed or candidate species or their habitats are not found within the project or action area; therefore would be “No Affect” to these species or their habitats for implementation o the proposed action.

Bald eagle
Southwestern willow flycatcher
Arizona cliffrose (*Purshia subintegra*)
Yuma clapper rail
Yellow-billed cuckoo
Desert pupfish
Gila topminnow
Relict leopard frog
Roundtail chub
Hualapai Mexican vole
Mexican spotted owl

- b. California condor: There would be “No Affect” to the California condor from this project for the following reasons:

The project area is located within the designated non-essential experimental population area of the California condor. The nonessential experimental population status applies to condors only when they are within the experimental population area. Outside of this area condors are considered endangered. Condors have not been documented in the project area and no nest, roost or perching habitat is known.

Condors would not forage within the project area because there is a lack of big game for them to feed upon. Condors prefer to forage on large carcasses but are also opportunistic and would forage on smaller animals. They are visually attracted to their food sources and therefore are less likely to see small dead animals. This area is within Mohave Desert shrub habitat and big game densities and livestock densities are low because of low biomass production. The condor's main foraging areas are on the Kaibab Plateau (mostly north Kaibab), Paria Plateau, south rim of the Grand Canyon, and Kolob Canyon area just northeast of Zion National Park (2005, pers. comm. Kathy Sullivan, Condon Biologist, AGFD and Chris Parish, Condor Biologist, Peregrine Fund). Condors are selecting these sites for various reasons. They choose the Paria Plateau (this is a desert area) because this is where the condor feeding station is located. They frequent this area primarily during the late fall and winter when food resources are scarce elsewhere. The forage in the other areas because of higher densities of big game, left-over hunter kills and because there are suitable perching areas such as large ponderosa pine trees (large perch site needed because of the large size of condors) and cliffs.

Condors prefer cliff habitat because cliffs are more likely to produce updrafts for soaring (2005, pers. comm. C. Parish). Both C. Parish and K. Sullivan, 2005 (pers. comm.) state that they doubted that condors would use the desert areas east of U.S. Highway 93.

Currently there are 60+ condors within Arizona. The overall goal is to have 150 individuals located within Arizona. The current numbers represent 40% of this goal. It is unlikely that a future increase of condor population numbers to 150 would cause condors to expand very far from where they are now found because of the low number of birds and the immense size of the existing preferred habitat area.

Collision with the met towers would not occur because condors would not be found within the area. Known collisions with power lines have occurred where lines are close to introduction sites (2005, pers. comm. , John Nystad, Biologist, Fish and Wildlife Service). The project location at least two hundred miles from the release site. Prior to release all condors receive power line aversion training.

In 2011, a small number of birds occurred in the Grand Canyon and are mostly associated with nesting. Also a small number of birds are found on the Kaibab and Paria Plateaus. The rest are currently foraging around Kolob Reservoir which

is located southeast of Cedar City, Utah. They are in this area because of the large food resource which comes from the seasonal grazing (spring and summer) of domestic sheep, and the fall hunting of big game.

In the past birds have followed the Colorado River corridor, down the lakes however this has not happened in years and is not considered part of the current area where they are now ranging (pers. comm. Chris Parish, 2011).

The project would not attract condors. Stipulations within the ROW grant would require the proper disposal of trash.

c. Candidate species potentially found within the project area:

Desert tortoise: Although outside of a classified tortoise habitat area there are tortoise records within five miles of the project area.

Impacts: If this project is implemented during the tortoise active season (February 15 – November 15 there is a potential that desert tortoise would be encountered within the project area by the construction crews. It is possible that tortoise could be picked up by workers or crushed by heavy equipment or construction vehicles.

State Listed Species and BLM Sensitive Species

Peregrine Falcon

Impacts: There are no known nest sites within the project area. Impacts to this species consists of the removal of less than ¼ acre of foraging habitat. There is also the potential that a falcon could run into the guy wires associated with the met towers.

Impacts to bats and migratory birds: There are no known bat roost sites that would be disturbed by implementation of the Proposed Action. A total of less than one quarter acre of bat and migratory bird habitat would be removed where the met towers are to be placed. The access roads would not be cleared and surface disturbance at these locations would recover within two-three growing seasons.

Impacts to native plants: Installation of the met tower may destroy or crush protected native plants such as ocotillo, yucca, and cacti. People may be attracted to the towers and attempt to drive cross country to reach the towers causing additional surface disturbance. The proposed action includes salvage/transplant of plants and reclamation (raking of tracks) stipulations to minimize impact to plants and minimize unauthorized cross-country travel.

Weeds: There is potential for weeds to be brought in from other areas during construction of this project.

Recommended Mitigation:

1. Native Plants: Within all areas of disturbance all cacti, yuccas, and ocotillos should be salvaged and immediately planted adjacent to the disturbance. Where possible, routes should avoid disturbance or removal of these species.
2. Desert tortoise: Hand out to all workers the tortoise handling guidelines (Exhibit XX). This increase worker awareness of tortoise and give them guidance should they encounter a tortoise.
3. Weeds: To avoid the spread of invasive and/or noxious weeds all vehicles and equipment should be washed (including the undercarriage) prior to their arrival at the project site.

Signed: / s / Rebecca L. Peck Date: 12/9/2011



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Kingman Field Office
2755 Mission Boulevard
Kingman, Arizona 86401
www.az.blm.gov



GUIDELINES FOR HANDLING DESERT TORTOISE, ROSY BOA AND CHUCKWALLA ENCOUNTERED ON ROADS AND VEHICLE WAYS

1. Stop your vehicle and allow the tortoise, rosy boa or chuckwalla to move off the road or if possible, drive around the tortoise or other animal.
2. If the tortoise is not moving, gently** pick up the tortoise and move it approximately 200 feet off the road to a shaded location.
 - a. Do **not** turn the tortoise over.
 - b. Move the tortoise in the direction it was traveling. If it was crossing the road, move it in the direction it was crossing.
 - c. Keep the tortoise within 12-18 inches of the ground, move slowly so as not to cause it to become alarmed.
 - d. Release the tortoise under the shade of a bush or rock.

** Tortoise store water in their bladder. If a tortoise becomes alarmed its defense is to void its bladder onto the captor. This could lead to dehydration of the tortoise and potentially to death.

3. Prior to moving any parked vehicles or equipment at the project site, check for tortoise under the vehicles.



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

SERIAL NUMBER AZA 35781

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

2. Nature of Interest:

a. By this instrument, the holder:

Five Star Energy Systems LLC.
7700 Irvine Center Drive, Suite 550
Irvine, CA 92618

receives a right to construct, operate, maintain and terminate a wind testing and monitoring project area ROW on public lands described as follows:

Gila and Salt River Meridian, Arizona

T. 25 N., R. 16 W.,
sec. 2, lots 1 through 4, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
sec. 4, lots 1 through 4, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;

T. 26 N., R. 16 W.,
sec. 16, 22, 26, 34, and 36.

b. The right-of-way granted herein contains 4,483.20 acres, more or less.

c. This instrument shall terminate on February 21, 2015, 3 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

- d. This instrument may be renewed, the right-of-way shall be subject to the regulations existing at the time of renewal and any other terms or conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

- a. For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair value market rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changed in the fair market rental value as determined by the application of sound business management principles, and so far as practical and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized

officer.

- d. The stipulations, plans, maps, or designs set forth in Exhibits A, and B dated January 31, 2012, and Exhibit C dated April 2011 attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

(Signature of Holder)

(Signature of Authorized
Officer)

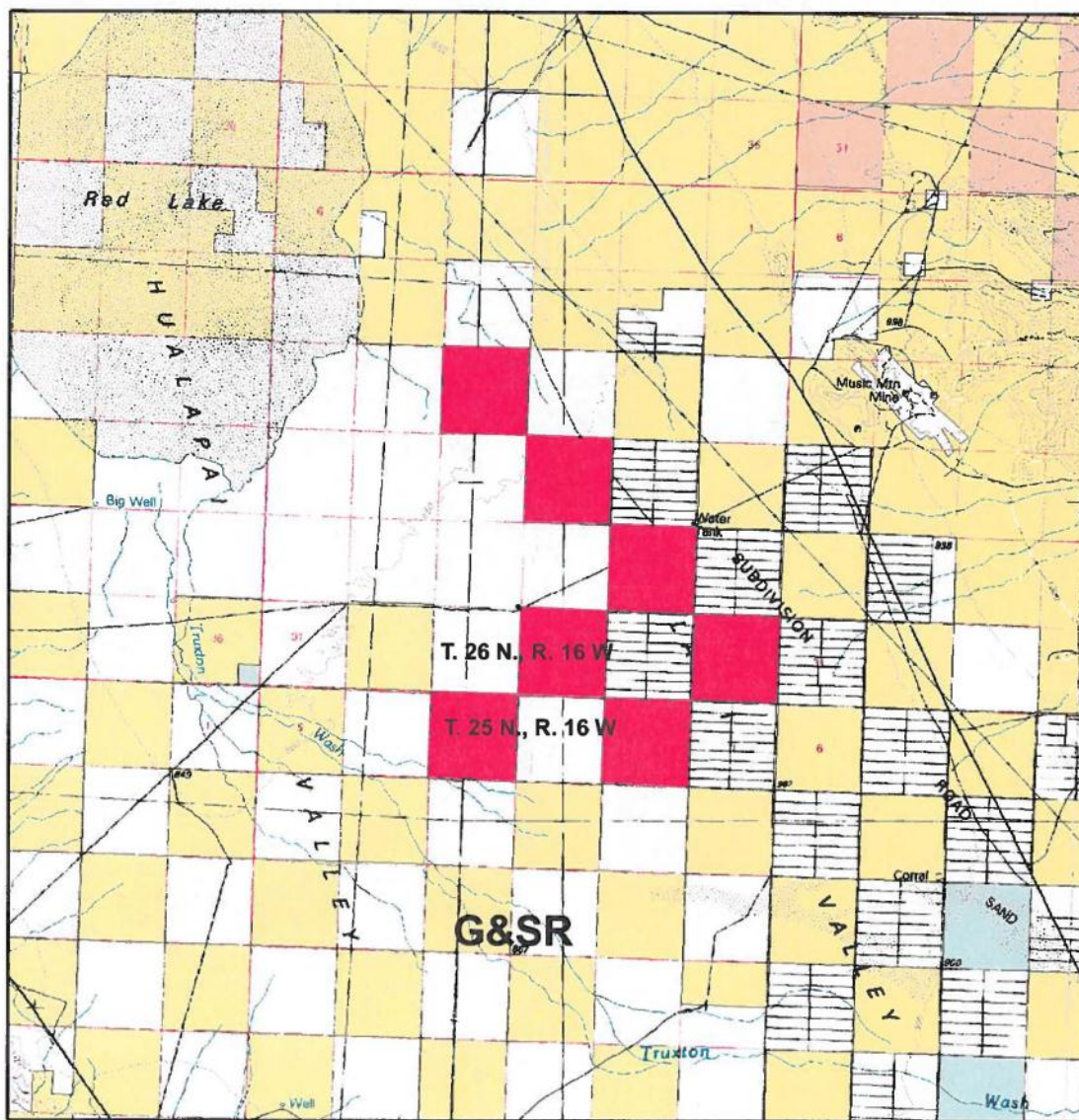
(Title)

(Title)

(Date)

(Effective Date of Grant)

Exhibit A
Five Star XV
January 31, 2012



No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

Scale 1:100,000

0 0.5 1 2 Miles

LAND OWNERSHIP LEGEND

- Private Lands
- Bureau of Land Management (BLM)
- State Lands
- Hualapai Indian Reservation
- Proposed ROW

AZA-35781
Exhibit B
Terms and Conditions
January 31, 2012

FIVE STAR XV, LLC. WIND ENERGY PROJECT

1. In case of change of address, the Holder shall immediately notify the BLM Authorized Officer.
2. This right-of-way (ROW) is subject to all valid rights existing on the effective date of this grant.
3. This right-of-way is subject to following the Plan of Development dated March 2011.
4. A copy of these stipulations, including exhibits and the Plan of Development, shall be on the project area and available to persons directing construction.
5. The Holder shall conduct all activities associated with the construction, operation, termination of the right-of-way within the authorized limits of the right-of-way.
6. Vehicle access is limited to existing roads, jeep trails, and navigable washes and no "cross country" vehicular access is permitted unless in writing from the Authorized Officer.
7. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the Holder, or any person working on his behalf, on public or Federal land, shall be immediately reported to the Authorized Officer. The Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant values. The Holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the Authorized Officer after consulting with the Holder.
8. Pursuant to 43 CFR 10.4(g), the Holder of this authorization must notify the Authorized Officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined at 43 CFR 10.2). Further, pursuant to 43 CFR 10.4(c) and (d), the Holder must stop activities in the immediate vicinity of the discovery and protect it from your activities for 30 days or until notified to proceed by the Authorized Officer.

9. The Holder will obtain all necessary permits from Mohave County.
10. In accordance with Federal regulations in 43 CFR 2803.6-3, any proposed transfer of any right or interest in the right-of-way grant shall be filed with the BLM Authorized Officer. An application for assignment shall be accompanied by a showing of qualifications of the Assignee. The assignment shall be supported by a stipulation that the Assignee agrees to comply with and to be bound by the terms and conditions of the grant to be assigned. No assignment shall be recognized unless and until it is approved in writing by the Authorized Officer. In accordance with 43 CFR 2803.6-4, all filings for assignments shall be accompanied by a nonrefundable payment of \$50.00 from the Assignor.
11. If the Holder violates any of the terms and conditions of this grant, the Authorized Officer, after giving written notice, may declare the grant terminated.
12. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.). With regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant see 40 CFR 761.1-761.193. Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117, shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980. Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
13. The holder of Right-of-Way No. AZA 35781 agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 USC 9601, et. seq., or the Resource Conservation and Recovery Act of 1976, 42 USC 6901, et. seq.) on the right-of-way. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third party.

AZA 35781

Exhibit C

Five Star Energy Systems, LLC

April 2011

PLAN OF DEVELOPMENT
FIVE STAR ENERGY SYSTEMS, LLC.
WIND ENERGY GENERATION PROJECT
FIVE STAR XV
APRIL 2011

1. Purpose and Need for Right-of-Way

The Applicant, Five Star Energy Systems, LLC, has applied for a project area right-of-way (ROW) under the name of its wholly owned subsidiary Five Star XV, LLC consisting of an authorization to reserve, for wind energy generation, 4,480 acres in the Red Lake area of Mohave County, Arizona. This Application is to reserve the land for wind energy generation. Five Star XV, LLC is collecting wind speed, wind direction and temperature data at an adjacent site on private property. The existing meteorological tower on private property will be used for the purpose of micro-siting of wind turbines on this authorization's reserved land for a wind energy generation project as a whole. This Application is consistent with the BLM's comprehensive Wind Energy Development Program to support wind energy development on public lands. Wind energy serves the national interest in energy independence and the potential role that renewable energy, in particular wind energy, can play in providing clean, non-fossil fuel based energy.

2. Location

The wind energy land reservation request is on public land identified in Exhibit 1 and as shown on topographic map in Exhibit 2.

3. Design Factors

- a. No meteorological tower is planned on this authorization's wind energy land reservation at this date. Five Star XV, LLC is currently monitoring wind speed, wind direction and temperature data from an adjacent private property site. If a meteorological tower is required subsequent to this authorization's wind energy land reservation authorization, an amendment to this Application will be submitted by Five Star XV, LLC.
- b. Soils and geology in the area are predominately deep, medium course textured, nearly level to gently sloping soils on floodplains and low alluvial fans derived from granite and other rocks.
- c. No, fencing, utilities, welding, concrete work, grading, permanent foundations, or road building will be required under this authorization.
- d. No regular maintenance will be required.

4. Additional Components

No additional components are required.

- a. Any met towers that may be required for micro-siting of turbine towers on this wind energy land reservation authorization will require an amendment to the current authorization.
- b. No equipment storage areas are required.

5. Government Agencies Involved

- a. (List any State permits obtained)

None required.

- b. (List any County permits obtained)

None required.

6. Construction of Facilities

- a. Describe, in detail, the sequence of construction and timing.

No construction is required as a result of this authorization.

- b. Describe the type of equipment that will be used and personnel involved. Include where equipment will come from—local or out of state—and if they will be washed to prevent spread of noxious weeds.

No equipment and personnel are required as a result of this authorization.

- c. Include how vegetation such as cactus, Joshua trees, yucca, will be dealt with, i.e. avoided, transplanted, salvaged and replanted, etc.

No impacts to existing vegetation will occur as a result of this authorization.

- d. Describe safety requirements that will be implemented during construction.

No safety requirements will be required as a result of this authorization.

- e. Describe how trash and construction debris will be dealt with.

No trash and construction debris will occur as a result of this authorization.

7. Resource Values and Environmental Concerns

- a. Summarize results of the cultural survey and report.

The cultural survey will be submitted subsequent to the application submittal and meeting with BLM staff to confirm the 4,480 acres wind energy land reservation authorization.

- b. Summarize results of biological survey and report.

This authorization will have no discernable effect on the populations of fish, plant life, wildlife, or marine life, including any threatened and endangered species, or marine mammals.

- c. Identify any other conflicts that have been addressed, i.e. visual, recreation, etc.

This authorization will not have any impact to air quality, surface and ground water quality, streams, noise, or soil stability.

8. Stabilization and Rehabilitation

- a. Identify how disturbed (compacted) areas will be dealt with, i.e. scarified to allow natural seeding to occur.

This authorization will not have impact on site stabilization and rehabilitation.

9. Operation and Maintenance

- a. Describe if and how (frequency) measurements are taken.

No measurements will occur as a result of this authorization.

- b. Termination and Restoration

Since no activities will occur on this authorization's wind energy land reservation, no restoration will occur as a result of this authorization.

Exhibit 1
Wind Energy Generation Land Reservation
Legal Descriptions

Gila and Salt River Meridian, Mohave County, Arizona

T. 26 N., R. 16 W., Sec. 16

T. 26 N., R. 16 W., Sec. 22

T. 26 N., R. 16 W., Sec. 26

T. 26 N., R. 16 W., Sec. 34

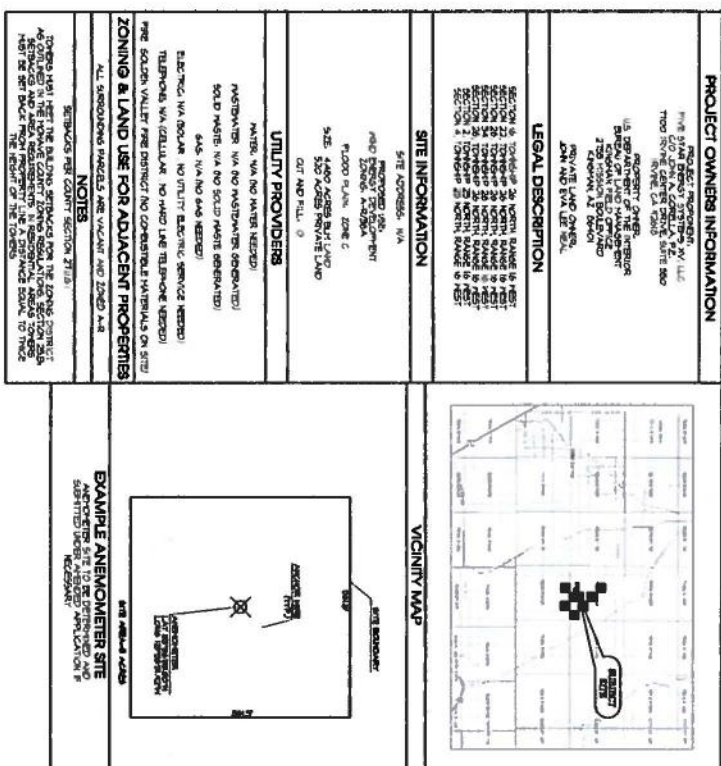
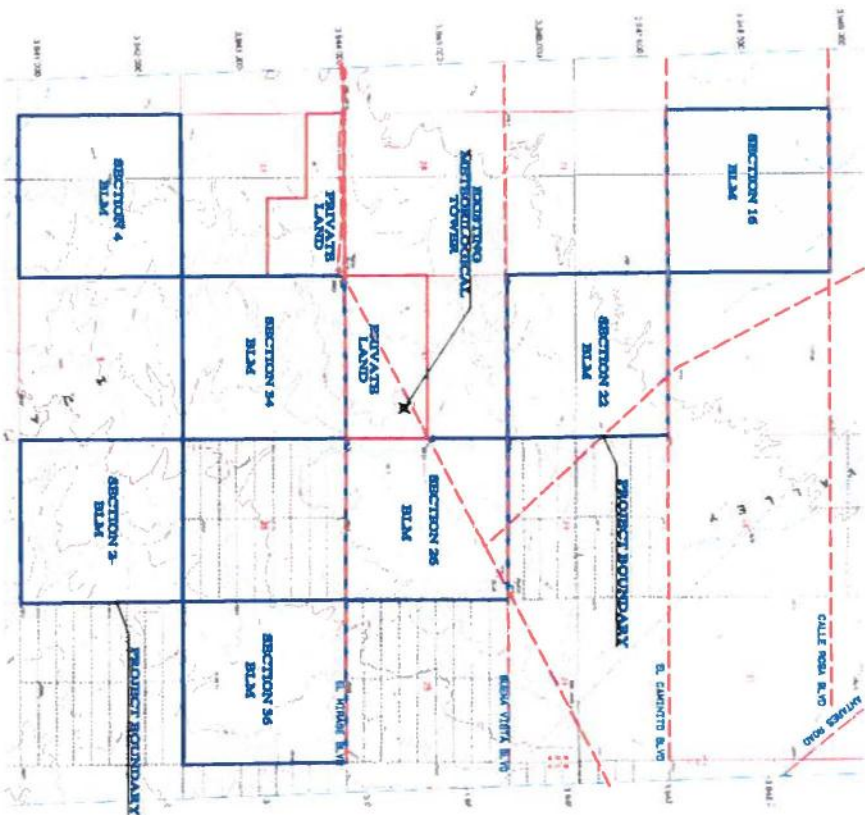
T. 26 N., R. 16 W., Sec. 36

T. 25 N., R. 16 W., Sec. 2

T. 25 N., R. 16 W., Sec. 4

Exhibit 2
Wind Energy Generation Land Reservation Location
Topographical Map

Please see the attached 1 page.



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

SERIAL NUMBER AZA 35784

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

2. Nature of Interest:

a. By this instrument, the holder:

Five Star Energy Systems LLC.
7700 Irvine Center Drive, Suite 550
Irvine, CA 92618

receives a right for a wind monitoring and testing project area and the right to construct, maintain, operate and terminate one meteorological tower located within the following described public lands:

Gila and Salt River Meridian, Arizona

T. 22 N., R. 18 W.,
sec. 2, lots 1 through 4, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
sec. 3, lots 1 through 4, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
sec. 11, all;
sec. 14, lots 1,3, N $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.

b. The right-of-way granted herein contains 2,643.29 acres more or less

c. This instrument will expire on February 21, 2015 unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

- d. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair value market rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changed in the fair market rental value as determined by the application of sound business management principles, and so far as practical and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibits A, B, C, and D dated January 25, 2012 and exhibit E dated March 2011 attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.

- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

(Signature of Holder)

(Signature of Authorized
Officer)

(Title)

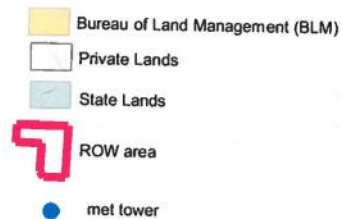
(Title)

(Date)

(Effective Date of Grant)

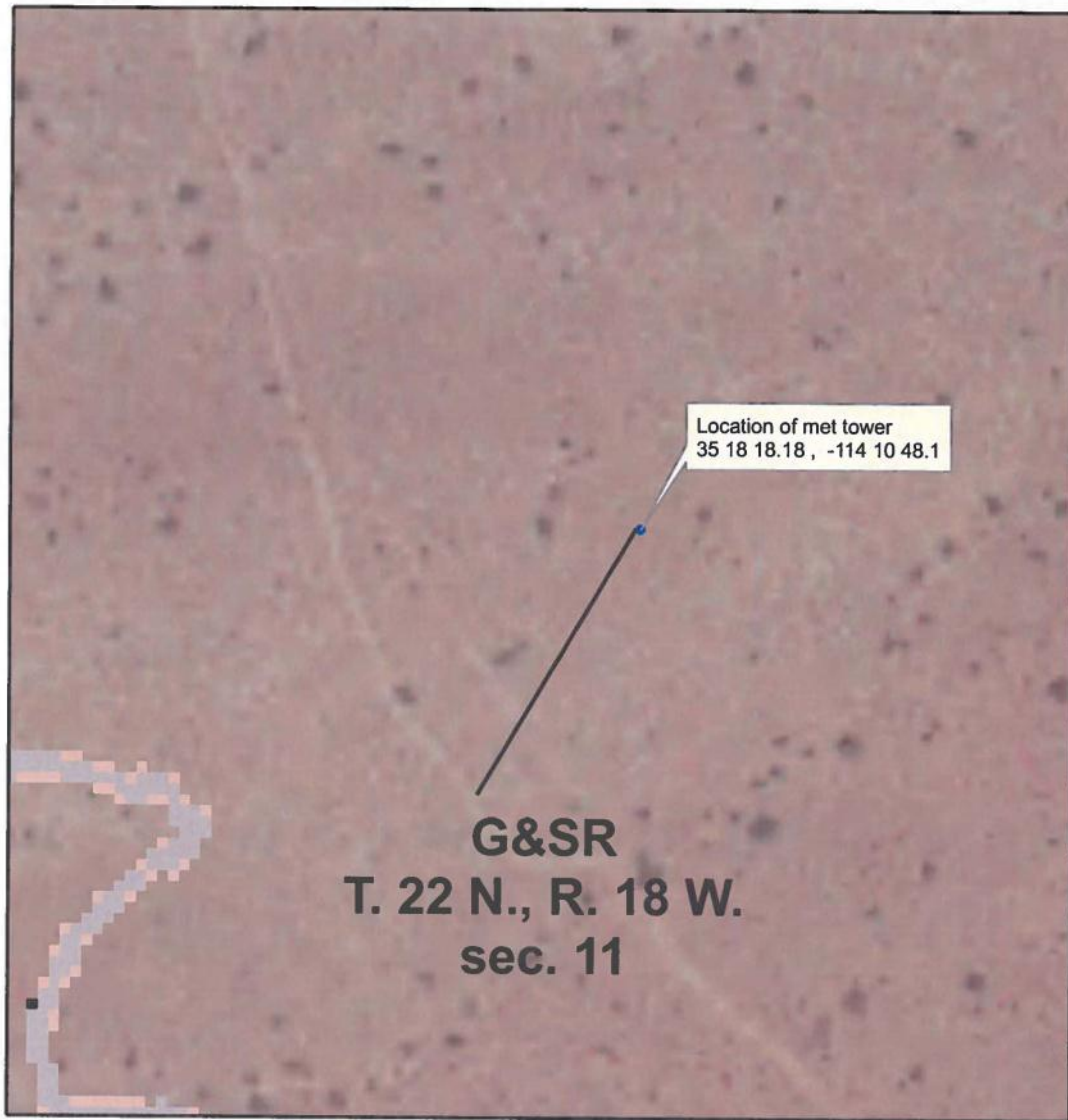
Location of MET tower
35 18 18.18, -114 10 48.

G&SR
T. 22 N. R. 18 W.



(CROSS COUNTRY DRIVING ROUTE
AERIAL PHOTOGRAPHY)

Exhibit B
Five Star X
January 25, 2012



No warranty is made by
the Bureau of Land
Management for the use
of the data for purposes
not intended by the BLM.

0 62.5 125 250 Feet

AZA-35784
Exhibit D
Terms and Conditions
January 25, 2012

FIVE STAR X, LLC. WIND ENERGY PROJECT

METEOROLOGICAL TOWER and LAND RESERVATION.

1. In case of change of address, the Holder shall immediately notify the BLM Authorized Officer.
2. This right-of-way (ROW) is subject to all valid rights existing on the effective date of this grant.
3. This right-of-way is subject to following the Plan of Development dated March 2011.
4. A copy of these stipulations, including exhibits and the Plan of Development, shall be on the project area and available to persons directing construction.
5. The Holder shall conduct all activities associated with the construction, operation, termination of the right-of-way within the authorized limits of the right-of-way.
6. There shall be no surface disturbance associated with the installation of the meteorological (MET) towers, other than driving of guy anchors and base plate stakes and temporary vehicle access only for the installation and decommission of the MET tower. The temporary vehicle access route reclamation will be in accordance with item number 13 below.
7. All cacti, yucca, nolina (beargrass), ocotillo, agave or other state protected plants on public lands will be avoided where possible. Where they cannot be avoided the holder will transplant them on public lands within 15 feet of this right-of-way. The plants will be transplanted by hand, the same day that they are uprooted
8. If any desert tortoise are observed in this right-of-way during construction or maintenance activities or while accessing the facilities authorized herein they will be handled in accordance with the protocol of the Guidelines for Handling Desert Tortoise Encountered On Roads and Vehicle Ways as described in Exhibit C, attached.
9. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the Holder, or any person working on his behalf, on public or Federal land, shall be immediately reported to the Authorized Officer. The Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant values. The Holder will be responsible for the cost of evaluation and any decision

as to proper mitigation measures will be made by the Authorized Officer after consulting with the Holder.

10. Pursuant to 43 CFR 10.4(g), the Holder of this authorization must notify the Authorized Officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined at 43 CFR 10.2). Further, pursuant to 43 CFR 10.4(c) and (d), the Holder must stop activities in the immediate vicinity of the discovery and protect it from your activities for 30 days or until notified to proceed by the Authorized Officer.
11. The Holder shall comply with all applicable Federal Aviation Administration requirements for lighting, painting, or marking the structures authorized by this grant. Tower height shall be limited to less than 199' above ground level so as to not require lighting.
12. Clearing vegetation or grading a roadbed will be prohibited. All construction and vehicular traffic shall be confined to the ROW or designated access routes, roads or trails unless otherwise authorized in writing by the AO.
13. Cross country vehicular travel will only be allowed during construction and decommission of the MET tower. The temporary roads used for construction and decommission shall be rehabilitated as specified below after both are completed.
14. Only one road or access route will be permitted to each site requiring access. After construction is completed, the holder will rake all vehicle tracks for the first 100 feet off of existing roads to limit the spread of new roads and for the first 100 feet of reclaimed roads to limit the driving on reclaimed roads. If this is insufficient the holder will perform reasonable measures to reclaim these areas as directed by the authorized officer.
15. Post-construction travel to the MET tower shall be by existing road access or by foot. No cross country vehicular travel and/or vehicular travel on reclaiming roads or temporary roads will be allowed to access to the MET towers for changing data logger chips or retrieving data.
16. Avoid running over/crushing plants during cross country vehicular travel. Drive around plants where possible. Met towers will be placed so that no state protected plant species will be damaged or relocated.
17. The Holder shall provide the Authorized Officer as-built locations for each met tower using NAD83 UTM's. The as-built shall be provided within 30 days of tower construction.
18. The Holder shall install the met towers within 12 months of the effective date of this grant and shall provide proof of their construction to the Authorized Officer no later than 30 days after construction. If the met towers have not been installed within the subject 12 month period, the Holder shall: provide

the Authorized Officer just cause as to the nature of any delay, the anticipated date of installation of facilities, and evidence of progress toward their installation.

19. The Holder will obtain all necessary permits from Mohave County.
20. The Holder shall notify the Arizona Game and Fish Department (AGFD) of the locations of their met towers within 15 days of their installation. The Holder shall make similar notification to the U. S. Department of Defense, Civil Air Patrol, or other aviation regulatory agencies, if required by them.
21. The Holder shall install bird flight deflectors on guy wires as recommended by the AGFD from the “Guidelines for Reducing Impacts to Wildlife from Wind Energy Development in Arizona,” revised November 23, 2009. The AGFD recommends attaching bird flight diverters (BFDs) and Aircraft Warning Markers at spaced intervals along the length of multiple wires. At a minimum (BFDs) and Aircraft Warning Markers should be alternated at 10 ft. intervals along the length of each outer guy wire, ensuring that Aircraft Warning Markers are near the apex of the tower.
22. The holder will thoroughly power wash and remove all vegetative material and soil before transporting equipment to the construction site to help minimize the threat of spreading noxious and invasive weeds. This includes trucks, trailers, and all other machinery. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way or construction site. The holder is responsible for consultation with the authorized officer and location authorities for implementing acceptable weed treatment methods. Any use of chemical treatments will abide by all safety and applicable guidelines as listed on the product label and Material Data Safety Sheet (MSDS). Any reclamation efforts requiring seeding will be done with certified, weed-free native seed.
23. The holder shall take all necessary steps to prevent or minimize soil erosion.
24. If the Holder violates any of the terms and conditions of this grant, the Authorized Officer, after giving written notice, may declare the grant terminated.
25. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.). With regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant see 40 CFR 761.1-761.193. Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117, shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980. Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.

26. The holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 USC 9601, et. seq., or the Resource Conservation and Recovery Act of 1976, 42 USC 6901, et. seq.) on the right-of-way. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third party.
27. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes and equipment.
28. The holder shall provide the BLM Authorized Officer with a bond of \$2,000 per meteorological tower.
29. The area disturbed by the installation of the MET tower will be kept to a minimum.
30. The holder shall not initiate any construction or other surface disturbing activities on the right-of-way without the prior written authorization of the authorized officer. Such authorization shall be a written Notice to Proceed issued by the authorized officer. Any notice to proceed shall authorize construction or use only as therein expressly stated and only for the particular location or use therein described.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Kingman Field Office
2755 Mission Boulevard
Kingman, Arizona 86401
www.az.blm.gov



GUIDELINES FOR HANDLING DESERT TORTOISE, ROSY BOA AND CHUCKWALLA ENCOUNTERED ON ROADS AND VEHICLE WAYS

1. Stop your vehicle and allow the tortoise, rosy boa or chuckwalla to move off the road or if possible, drive around the tortoise or other animal.
 2. If the tortoise is not moving, gently** pick up the tortoise and move it approximately 200 feet off the road to a shaded location.
 - a. Do **not** turn the tortoise over.
 - b. Move the tortoise in the direction it was traveling. If it was crossing the road, move it in the direction it was crossing.
 - c. Keep the tortoise within 12-18 inches of the ground, move slowly so as not to cause it to become alarmed.
 - d. Release the tortoise under the shade of a bush or rock.
- ** Tortoise store water in their bladder. If a tortoise becomes alarmed its defense is to void its bladder onto the captor. This could lead to dehydration of the tortoise and potentially to death.
3. Prior to moving any parked vehicles or equipment at the project site, check for tortoise under the vehicles.



AZA 35784

Exhibit E

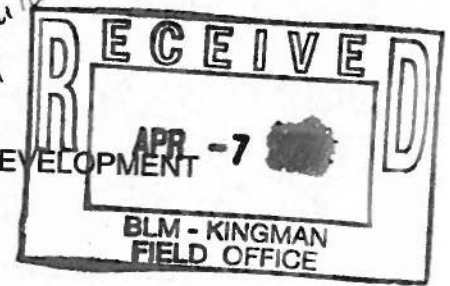
Five Star Energy Systems, LLC

Plan of Development

March 2011

*This revision
Submitted
on:*

**PLAN OF DEVELOPMENT
FIVE STAR ENERGY SYSTEMS, LLC.
WIND ENERGY PROJECT METEOROLOGICAL TOWER DEVELOPMENT
FIVE STAR X
MARCH 2011**



1. Purpose and Need for Right-of-Way

The Applicant, Five Star Energy Systems, LLC, has applied for a project area right-of-way (ROW) under the name of its wholly owned subsidiary Five Star X, LLC consisting of a reservation of 2,560 acres in the Mineral Park Area of Mohave County, Arizona. The application is for a wind site testing and monitoring ROW for one (1) meteorological (met) tower to collect wind data to determine if the area is appropriate for the development of a wind energy site. Five Star X, LLC will collect wind speed, wind direction and temperature data. This meteorological tower may also be used for the purpose of micro-siting of wind turbines on the wind energy project as a whole. This Application is consistent with the BLM's comprehensive Wind Energy Development Program to support wind energy development on public lands. Wind energy serves the national interest in energy independence and the potential role that renewable energy, in particular wind energy, can play in providing clean, non-fossil fuel based energy.

2. Location

The met tower will be located on public land identified in Exhibit 1 and as shown on topographic map in Exhibit 2. The met tower configuration is shown on Exhibit 3.

3. Design Factors

- a. Total occupied area will be approximately a 165 foot radius consisting of 3 acres for the tower. The tower structure is made of galvanized steel tubing, gray in color with a wind loading of 112 mile per hour. Outer guy anchors are 164 feet from the tower. The tower will have an access route from the nearest county road which will, to the extent possible, follow existing 4WD tracks and/or roads. The access route will be wide enough for a 4WD vehicle to access the site for installation, monitoring, and repair of the installed equipment (approximately 10 feet wide). The access road has been sited to minimize disturbance and utilize, to the extent possible, existing tracks and roads. The meteorological tower will be accessed using the access roads approximately once a month on foot to download data from the Anabat monitoring equipment installed on the tower as well as for maintenance and repairs as necessary. A rehabilitation plan for the access road, and monitoring tower site will be agreed upon with the BLM Authorized Officer prior to termination of the ROW grant per the Terms and Conditions of the ROW grant.

The lengths of the proposed access road from the point at which they leave county road to the meteorological tower site is summarized in the table below:

Table 1. Length from county road to meteorological tower site using existing tracks and roads where possible.

	Tower 1						
Length of access road in feet (mi)	1,150 ft. (.22 mi.)						

Additionally color aerial photographs of the access road from the county road to the meteorological site have been attached (Exhibit 4).

- b. Soils and geology in the area are predominately medium course textured soils with cobbles derived from granite and other rocks that are well drained with moderate to rapid permeability making them suitable for placement of the met towers.
- c. No, fencing, utilities, welding, concrete work, grading, permanent foundations, or road building will be required. No grading or excavation other than that required to drill guy anchors into the ground, will be required. Five Star X, LLC requests permission to install the tower in the spring or summer months of 2011, and will take up to one week to complete. The towers are expected to be in place for a minimum of twenty four (24) months, but may remain in service until the expiration of this ROW or additional term as permitted by the BLM.
- d. No regular maintenance will be required.

4. Additional Components

No additional components are required.

- a. Any additional met towers that may be required for micro-siting of turbine towers will require an amendment to the current authorization.
- b. No equipment storage areas are required.

5. Government Agencies Involved

- a. (List any State permits obtained)
None required.
- b. (List any County permits obtained)

County of Mohave Zoning Use Permit (ZUP) Application will be processed subsequent to BLM ROW authorization.

6. Construction of Facilities

- a. Describe, in detail, the sequence of construction and timing.

Typical construction for the tower will consist of:

Day one: Transport tower and equipment to the site

Day two: Install anchors

Day three: Assemble tower

Day four: Install instruments and test system operation

Day five: Raise tower, verify operation, and police the jobsite.

The meteorological tower is designed specifically for wind energy resource measurements. The tower will be up to 195 ft. in height. The lightweight towers are made of galvanized steel tubing. The tubes slide together without bolts or clamps, and are made from a combination of 10 ft., 5 ft., and 0.5 ft. sections. The sections are assembled horizontally on the ground and then tilted up using a ginpole and winch. No welding is necessary. The towers rest on a steel base plate approximately 9 square feet, or 3'x3' in size, and are supported with aircraft cable guy wires in four directions at each guy level. Guy wires are anchored with standard anchors. There are 24 guy wires per tower (6 per side, 4 sides) and they enter the ground approximately 164 ft., 147 ft. and 131 ft from the tower base plate (see details in attached drawing). The tower supports a horizontal arm for mounting each group of sensors (wind speed and directional sensors), self contained data logger, and a solar panel approximately two (2) feet square. Yellow plastic sleeves will be used at the bottom of the guy wires to provide a visual indication for the public. No cranes or concrete foundations are required. Each tower will be brought in pieces, and assembled on site. A 165 ft. radius work area is needed around the tower base, plus authorized access to each site. Anabat equipment will be mounted on the towers at 164 ft. to monitor bat radar calls.

Five Star X, LLC will follow the BLM's Best Management Practices for Site Monitoring and Testing as outlined the Record of Decision, dated December 2005 implementing the Wind Energy Development Program as follows:

- The area disturbed by installation of the meteorological tower (i.e., footprint) shall be kept to a minimum. All tracks from vehicles created during construction will be raked out to the natural state prior to construction.
- Existing roads shall be used to the maximum extent feasible. If new roads are necessary, they shall be designed and constructed to the appropriate standard.
- The meteorological tower shall not be located in sensitive habitats or in areas where ecological resources known to be sensitive to human activities are present. Installation of the tower shall be scheduled to avoid disruption of wildlife reproductive activities or other important behaviors.
- The meteorological tower installed for site monitoring and testing shall be inspected periodically for structural integrity.

- b. Describe the type of equipment that will be used and personnel involved. Include where equipment will come from—local or out of state—and if they will be washed to prevent spread of noxious weeds.

A crew of 4-6 people and a 4WD vehicle will access the site for tower erection. The equipment will come from NRG Systems. The total time needed for the installation of the meteorological tower should not be more than five days see (a) above. The equipment is not coming from an area with known invasive vegetation issues, and no pesticides or mulching will be used on-site. The 4WD vehicle will be washed prior to accessing the site. All tracks from vehicles created during construction will be raked out to the natural state prior to construction.

- c. Include how vegetation such as cactus, Joshua trees, yucca, will be dealt with, i.e. avoided, transplanted, salvaged and replanted, etc.

Impacts on vegetation will be avoided. Tower and guy-wire footing areas are small with little impact to land surface. During construction and subsequent up to monthly maintenance/data collection, the 165 ft. radius surrounding the monitoring towers may be disturbed by foot traffic. To the extent practical activities will be confined to as small an area as possible around the proposed tower site during installation, subsequent monthly visits, and any repairs or maintenance visits to minimize impacts.

- d. Describe safety requirements that will be implemented during construction.

The use of appropriate personal protective equipment including proper footwear, head-gear and eye protection is required for all employees when on construction site. On-site field employees are required to handle all tools according to safety protocol and only after they have received training. All employees adhere to a drug-free workplace policy. On-site foreman will oversee employees and ensure that safety requirements are being met.

- e. Describe how trash and construction debris will be dealt with.

Disposal of all liquid or solid waste produced during operation of this right-of-way shall be in an approved manner so it will not impact the air, soil, water, vegetation, and animals. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment. All tracks from vehicles created during construction will be raked out to the natural state prior to construction.

Five Star X, LLC shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, Five Star X, LLC shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report

required or requested by any Federal agency or State government as a result of a reportable release of spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.

7. Resource Values and Environmental Concerns

a. Summarize results of the cultural survey and report.

The cultural survey will be submitted subsequent to the application submittal and meeting with BLM staff to confirm the 195 foot radius of the proposed tower or within access routes.

If during construction any previously unidentified historic or prehistoric cultural resources are found, then work in the vicinity of the discovery will be suspended and the discovery promptly reported to the BLM Area Manager. BLM will then specify what action is to be taken. If there is an approved "discovery plan" in place for the project, then the plan will be executed. In the absence of an approved plan, the BLM will evaluate the significance of the discovery, and consult with the State Historic Preservation Officer in accordance with 36 CFR Section 800.11. Minor recordation, stabilization, or data recovery may be performed by BLM or a permitted cultural resources consultant. If warranted, more extensive treatment by a permitted cultural resources consultant may be required of the operator prior to allowing the project to proceed. Further damage to significant cultural resources will not be allowed until any required treatment is completed. Failure to notify the BLM about a discovery may result in civil or criminal penalties in accordance with the Archeological Resources Protection Act of 1979 (as amended).

b. Summarize results of biological survey and report.

The installation of the meteorological tower is not expected to have any discernable effect on the populations of fish, plant life, wildlife, or marine life, including any threatened and endangered species, or marine mammals. The meteorological tower shall not be located in sensitive habitats or in areas where ecological resources known to be sensitive to human activities are present. Installation of the tower shall be scheduled to avoid disruption of wildlife reproductive activities or other important behaviors.

If construction occurs between February 1 and July 31, a nest survey for migratory birds will be conducted prior to construction

c. Identify any other conflicts that have been addressed, i.e. visual, recreation, etc.

Construction and operations of the one (1) meteorological tower will not have any impact to air quality, surface and ground water quality, streams, noise, or soil stability. The towers are distant from residences and are expected to create minimal visual intrusion.

8. Stabilization and Rehabilitation

a. Identify how disturbed (compacted) areas will be dealt with, i.e. scarified to allow natural seeding to occur.

Tower and guy-wire footing areas are small with little impact to land surface. During construction and subsequent up to monthly maintenance/data collection the 165 ft. radius surrounding the monitoring towers may be disturbed by foot traffic. All tracks from vehicles created during construction will be raked out to the natural state prior to construction. A termination and rehabilitation plan shall be agreed up on by Five Star X, LLC and the BLM prior to the termination of the ROW which will describe how disturbed and compacted areas will be rehabilitated.

9. Operation and Maintenance

- a. Describe if and how (frequency) measurements are taken.

The towers will operate continuously, providing wind characteristic data via solar-powered data loggers and cell phone-based remote data acquisition systems.

- b. Termination and Restoration

Ninety days prior to termination of the ROW, Five Star X, LLC shall contact the Authorized Officer to arrange a joint inspection of the ROW. This inspection will be held to agree to an acceptable termination and rehabilitation plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surfacing material, re-contouring, top-soiling or seeding. The Authorized Officer must approve the plan in writing prior to Holder's commencement of any termination actions.

Exhibit 1
Meteorological Tower Locations
Legal Descriptions

Tower Number 1

Gila and Salt River Meridian, Mohave County, Arizona

T. 22 N., R. 18 W., Sec. 11

Latitude 35 deg., 18.303'N; Longitude 114 deg., 10.803'

Exhibit 2
Meteorological Tower Location
Topographical Map

Please see the attached 2 pages.

Exhibit 3
Meteorological Tower Configuration

Please see the attached page.

Exhibit 4
Meteorological Tower Access Road Aerial Images

Please note the dashed line on the attached map indicates the proposed access route, which follows existing 4WD roads and tracks. The meteorological tower is referenced by a circle with a "X" dot and the designation "Met-1".

Please see the attached page.

Tower Layout

